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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/888,352	06/22/2001	Julian D. Waldman	SONY 3.0-053 8896 EXAMINER	
530 7:	590 11/02/2005			
LERNER, DAVID, LITTENBERG,			RUDY, ANDREW J	
KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090		ART UNIT	PAPER NUMBER	
			3627	
			DATE MAILED: 11/02/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/888,352	WALDMAN, JULIAN D.
Office Action Summary	Examiner	Art Unit
	Andrew Joseph Rudy	3627
The MAILING DATE of this communication apperiod for Reply	pears on the cover sheet with the	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reple of NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be till ly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE.	mely filed ys will be considered timely. the mailing date of this communication. ED (35 U.S.C. § 133).
Status		
1)⊠ Responsive to communication(s) filed on 08 A	ugust 2005.	•
<u> </u>	s action is non-final.	
3) Since this application is in condition for allowa		osecution as to the merits is
closed in accordance with the practice under I		
Disposition of Claims		
4)⊠ Claim(s) <u>1-41</u> is/are pending in the application		
4a) Of the above claim(s) 1-17 and 27-41 is/ard	e withdrawn from consideration.	
5) Claim(s) is/are allowed.		•
6)⊠ Claim(s) <u>18-26</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/o	r election requirement.	
Application Papers		
9) The specification is objected to by the Examine	er.	
10) The drawing(s) filed on is/are: a) acc	epted or b)⊡ objected to by the I	Examiner.
Applicant may not request that any objection to the		
Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	• •)-(d) or (f).
1. Certified copies of the priority document		an Na
2. Certified copies of the priority document3. Copies of the certified copies of the priority		•
application from the International Bureau		ed in this National Stage
* See the attached detailed Office action for a list		ed
The second since denoting a not	and actions appear not receive	··
Attachment(s)	•	
Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	nte
B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal P 6) Other:	atent Application (PTO-152)
· apor Ho(s)/Mail Date	. 0) Other:	

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DETAILED ACTION

1. Applicant's August 8, 2005 Amendment and REMARKS have been reviewed.

Pursuant thereto, the previous rejections are withdrawn. Claims 1-17 and 27-41 remain withdrawn from consideration as drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

2. Claims 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes et al., US 6,670,537.

Hughes discloses a portable communications device, e.g. media player, a database of audio work information, an interface, e.g. media player screen, a communication module, e.g. e-mail, and a processor, e.g. programmed or dedicated --col. 10, an input for receiving a signal corresponding to a sampled portion, e.g. Figs. 1-4, and purchasing information enabling the purchase of a full audio work, e.g. Figs. 17-19. Hughes does not disclose the terms compare or comparison information. Official Notice is taken that comparing portions of musical work in juxtaposition to identifying a complete audio work and updating such a database has been common knowledge in the art in the musical work art. To have provided updated comparison information for use in identifying a complete audio work for Hughes would have been obvious to one of ordinary skill in the art.

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3. Further references of interest are noted on the attached PTO-892.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-283-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Joseph Rudy Primary Examiner

Art Unit 3627